In re Appln. of Hershey, et al.
Appln. No. 09/672,452

REMARKS

Claims 1-31 are pending in the present application. Claims 1-31 stand rejected. By the present amendment, Applicants have amended Claims 1-5, 8, 15-16, 21, 24-25 and 29. Claims 6-7, 17-18 and 26-27 have been cancelled. No new matter has been added by the amendments herein. Reconsideration of the present application in light of the present remarks is respectfully requested.

I. Claim Rejections under 35 U.S.C. § 103

The Examiner rejected Claims 1-3, 6, 9-10, 13-16, 19-20 and 22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,646,997 to Barton ("Barton") in view of U.S. Patent No. 6,647,125 to Matsumoto et al. ("Matsumoto"); Claims 4-5 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Barton in view of Matsumoto and further in view of U.S. Patent No. 5,946,414 to Cass et al. ("Cass"); Claims 7-8 and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over Barton in view of Matsumoto and further in view of U.S. Patent No. 6,233,347 to Chen et al. ("Chen"); Claims 11-12, 24-25 and 28-30 under 35 U.S.C. § 103(a) as being unpatentable over Barton in view of Matsumoto and further in view of U.S. Patent No. 6,292,092 to Chow et al. ("Chow"); Claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Barton in view of Matsumoto and further in view of U.S. Patent No. 6,278,791 to Honsinger et al. ("Honsinger "); Claims 26-27 under 35 U.S.C. § 103(a) as being unpatentable over Barton in view of Matsumoto and further in view of Chow and further in view of Chen; and Claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Barton in view of Matsumoto and further in view of Chow and further in view of Honsinger.

Applicants submit that the Examiner's 35 U.S.C. § 103(a) rejections have been overcome by the current amendments to independent Claims 1, 15 and 24. No combination of Barton, Matsumoto, Cass, Chen, Chow or Honsinger discloses, teaches or renders obvious a method or a device wherein a plurality of steganographic data combinations are created by combining data and contemporaneously acquired meta-data using a plurality of steganographic techniques and a figure-of-merit algorithm for determining an appropriate region of the first data to embed the meta-data for each steganographic technique and using the figure-of-merit algorithm to compare the steganographic data combinations and the originally acquired data to select a steganographic data combination from the plurality of steganographic data combinations with the least discernible changes from the acquired data.

As acknowledged by the Examiner, neither Barton, Cass, Chen, Chow nor Honsinger discloses or teaches figure-of-merit testing as claimed by the Applicants. However, the Examiner contends that Matsumoto discloses figure-of-merit testing the acquired first data and the acquired meta-data to determine appropriate regions of the acquired data in which to embed the acquired meta-data and which of a plurality of stenographic methods to use to embed the meta-data.

Applicants respectfully submit that Matsumoto does not disclose creating a plurality of data combinations for the acquired data and meta-data using a plurality of stenographic techniques as required by the presently amended claims. In fact, Matsumoto simply teaches identifying the type of data that has been acquired and creating a single data combination based on a predetermined steganographic technique associated with the type of data that has been acquired. (If the data has a first attribute, Matsumoto inserts a watermark in a given first method. If the data has a second

11

attribute, Matsumoto inserts a watermark in a given second method. See Matsumoto, col. 9, lines 20-25.) Accordingly, Applicants respectfully submit that Matsumoto simply discloses using predetermined criteria for selecting one steganographic method to use for given data.

Applicants' claims not only require creating a plurality of steganographic data combination using a figure-of-merit algorithm (against the teaching of Matsumoto, which teaches using a single steganographic method for given data), but also using the figure-of-merit testing to determine which combination has the least perceptible changes. As a result, Applicants' claimed invention is better suited to optimize the embedded data because it actually analyzes the plurality of data combinations using the figure-of-merit algorithm to determine which combination in fact has the least perceptible changes. By contrast, Matsumoto discloses creating a single steganographic combination of data and does not disclose testing multiple combinations of data to determine which has the least perceptible changes.

Barton, Cass, Chen, Chow and Honsinger do not teach or disclose the deficiencies of Matsumoto's disclosure.

Therefore, Applicants respectfully submit that in view of the amendments to the independent claims the Examiner's 35 U.S.C. § 103 rejections have been overcome. Accordingly, Applicants respectfully request that the Examiner's 35 U.S.C. § 103 rejections be withdrawn.

<u>CONCLUSION</u>

Applicants assert that this application is in condition for allowance. Early allowance is respectfully requested.

In re Appln. of Hershey, et al.
Appln. No. 09/672,452

If for any reason the Examiner is unable to allow the application and feels that an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney at (312) 372-2000.

Dated: February 28, 2005   Respectfully submitted,
McDermott Will & Emery LLP
227 West Monroe Street   _Patrick D. Richards_
Chicago, IL 60606-5096   Patrick D. Richards
312.372.2000   Reg. No. 48,905

CHI99 4436592-1.047440.0023

13